

RECEIVED TO 11 APR 2006

IN THE UNITED STATES PATENT OFFICE

<i>Earliest Priority Date:</i>	09 December 2002 (09.12.02)	}
<i>International Serial No.:</i>	PCT/EP2003/013964	}
<i>U.S. Serial No.:</i>	10/538,405	}
<i>Invention:</i>	OPTIMISED PROTEIN SYNTHESIS	}
<i>Applicant:</i>	WATZELE, Manfred; BUCHBERGER, Bernd; PAULUS, Michael	}
<i>International Filing Date:</i>	09 December 2003 (09.12.03)	}
<i>Attorney Docket:</i>	6398-78031	}

CERTIFICATE UNDER 37 C.F.R. § 1.10

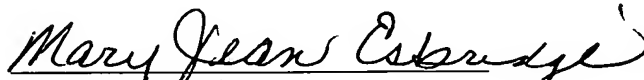
MAIL STOP PCT
Attention: DO/EO/US
Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Sir:

Express Mail" Mailing Label No.: EV 417055273US

Date of Deposit: 14 April 2006 (14.04.06)

I hereby certify that this paper or fee is being deposited with the United States Postal Service's "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313-1450.


Mary Jean Eskridge

Indianapolis, Indiana
(317) 231-7303

14 APR 2003

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE (REV. 2-2005)		ATTORNEY'S DOCKET NUMBER 6398-7803
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/538,405
INTERNATIONAL APPLICATION NO. PCT/EP2003/013964	INTERNATIONAL FILING DATE 09 December 2003 (09.12.03)	PRIORITY DATE CLAIMED 09 December 2002 (09.12.02)
TITLE OF INVENTION OPTIMISED PROTEIN SYNTHESIS		
APPLICANT(S) FOR DO/EO/US WATZELE, Manfred; BUCHBERGER, Bernd; PAULUS, Michael		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> 1. <input type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2)) <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)). <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)). 11. <input type="checkbox"/> A copy of the International Preliminary Examination Report (PCT/IPEA/409). 12. <input type="checkbox"/> A copy of the International Search Report (PCT/ISA/210). <p>Items 13 to 23 below concern document(s) or information included:</p> <ol style="list-style-type: none"> 13. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 14. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 15. <input type="checkbox"/> A FIRST preliminary amendment. 16. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 17. <input type="checkbox"/> A substitute specification. 18. <input type="checkbox"/> A power of attorney and/or change of address letter. 19. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825. 20. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 21. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4). 22. <input checked="" type="checkbox"/> Express Mail Label No. EV 417055273 US 23. <input checked="" type="checkbox"/> Other items or information: <ol style="list-style-type: none"> a. copy of Notification of Defective Response b. Response to Notification of Defective Response c. Paper Sequence Listing d. Relevant Statement Regarding Sequence Listing 		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
10/538,405		PCT/EP2003/013964		6398-78031	
The following fees are submitted:				CALCULATIONS	PTO USE
24. <input type="checkbox"/> Basic national fee				\$300	\$0.00
25. <input type="checkbox"/> Examination fee					
If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4).				\$100	\$0.00
All other situations.				\$200	
26. <input type="checkbox"/> Search fee					
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority				\$100	
International Search Report prepared and provided to the Office				\$400	
All other situations.				\$500	\$0.00
TOTAL OF 24, 25 and 26 =				\$	\$0.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	0	/50 =	0	x \$250.00	\$0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =	0	x \$50.00	\$	\$0.00
Independent claims	- 3 =	0	x \$200.00	\$	\$0.00
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00				\$	\$0.00
TOTAL OF ABOVE CALCULATIONS =				\$	\$0.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	\$0.00
SUBTOTAL =				\$	\$0.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	\$0.00
TOTAL NATIONAL FEE =				\$	\$0.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property				\$	\$0.00
TOTAL FEES ENCLOSED =				\$	\$0.00
				Amount to be	\$
				Amount to be	\$
a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>\$580.00</u> to cover the above fees is enclosed.					
b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>10-0435</u> . A duplicate copy of this sheet is enclosed.					
d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO:					
BALL, Rebecca L.					
BARNES & THORNBURG LLP					
11 South Meridian Street					
Indianapolis, IN 46204					
US					
Customer No. 23643					
SIGNATURE					
Rebecca BALL, April 14, 2006					
NAME					
46535					
REGISTRATION NUMBER					



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.

10/538,405

FIRST NAMED APPLICANT

Manfred Watzele

ATTY. DOCKET NO.

6398-78031

INTERNATIONAL APPLICATION NO.

PCT/EP03/13964

I.A. FILING DATE

12/09/2003

PRIORITY DATE

12/09/2002

23643

BARNES & THORNBURG
11 SOUTH MERIDIAN
INDIANAPOLIS, IN 46204

RECEIVED

MAR 31 2006

BARNES & THORNBURG LLP

CONFIRMATION NO. 4647

371 FORMALITIES LETTER



OC000000018388463

Date Mailed: 03/28/2006

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 06/09/2005
- Copy of the International Search Report filed on 06/09/2005
- Copy of IPE Report filed on 06/09/2005
- Preliminary Amendments filed on 06/09/2005
- Information Disclosure Statements filed on 06/09/2005
- Biochemical Sequence Diskette filed on 06/09/2005
- Oath or Declaration filed on 02/14/2006
- Biochemical Sequence Listing filed on 06/09/2005
- U.S. Basic National Fees filed on 06/09/2005
- Priority Documents filed on 06/09/2005
- Power of Attorney filed on 02/14/2006

DOCKETED

FOR Def/Res
BY MQE
DATE 7 APR 06
CHE'D BY _____
DATE _____

Applicant's response filed 02/14/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 10/14/2005 have not been completed.

- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d). Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR

1.136, but the period for response in the Notification of Missing Requirement may be extended under 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patent Software Program Help @ ebc@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/538,405	PCT/EP03/13964	6398-78031

11 APR 2006

South Meridian Street
Indianapolis, Indiana 46204
(317) 236-1313
(317) 231-7433 Fax

IN THE UNITED STATES PATENT OFFICE

Earliest Priority Date: 09 December 2002 (09.12.02)

International Serial No.: PCT/EP2003/013964

U.S. Serial No.: 10/538,405

Invention: OPTIMISED PROTEIN SYNTHESIS

Applicant: WATZELE, Manfred;
BUCHBERGER, Bernd; PAULUS,
Michael

International Filing Date: 09 December 2003 (09.12.03)

Attorney Docket: 6398-78031

Certificate Under 37 CFR 1.10

Express Mail No.: EV 417055273 US

Date of Mailing: 14 April 2006

I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Mary Jean Eskridge
(Signature)

Mary Jean Eskridge

(Typed or Printed Name of Person Mailing Paper or Fee)

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

Attn: DO/EO/US--Paulette R. KIDWELL
Mail Stop: PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Defective Response mailed 28 March 2006 (28.03.06), applicants submit herewith:

1. Copy of the Notification of Defective Response;
2. A diskette containing the originally filed Sequence Listing in computer readable form (PatentIn Ver. 2.1);

3. A paper copy of the originally filed Sequence Listing; and
4. Relevant Statement;

The sequence listing information recorded in computer-readable form is identical to the written (on paper) sequence listing and no new matter has been added. Applicants believe that 37 C.F.R. §§ 1.821(c), (e), and (g) have been complied with.

Although applicants are submitting a substitute computer readable form (CRF) of the Sequence Listing as required by the Notification of Defective Response mailed on March 28, 2006, Applicants filed an amended Sequence Listing to replace the original Sequence Listing in Applicants' response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Notification of Missing Requirements was mailed on October 14, 2005).

Applicants' undersigned attorney then called Examiner Chris Low, the Sequence Listing Specialist at the United States Patent and Trademark Office whose phone number was listed on the Notification of Missing Requirements. Applicants' undersigned attorney inquired of Examiner Low whether it was necessary to file a copy of the originally filed Sequence Listing in computer readable form in response to the Notification of Missing Requirements. The question was asked because an amended Sequence Listing had been filed in response to the Notice of Missing Requirements. Examiner Low then requested that Paulette Kidwell call Applicants' undersigned attorney to notify Applicants' undersigned attorney that it was NOT necessary to file a copy of the originally filed Sequence Listing in computer readable form in response to the Notification of Missing Requirements. Paulette Kidwell called Applicants' undersigned attorney on March 10, 2006 and notified Applicants' undersigned attorney that it was NOT necessary to file a copy of the originally filed Sequence Listing in computer readable form in response to the Notification of Missing Requirements.

Applicants' subsequently received a Notification of Defective Response mailed on March 28, 2006, signed by Paulette Kidwell, indicating that Applicants must file a copy of the originally filed Sequence Listing in computer readable form in response to the Notification of Missing Requirements. Thus, Applicants are responding to the Notification of Defective Response even though Applicants' undersigned attorney was told by the United States Patent and Trademark Office that such a response was not required.

It is believed that no fee is due for submission of the Sequence Listing in computer readable form, and that no petition for extension of time is required. However, if a

petition for extension of time is required, Applicants hereby petition for an additional two-month extension of time. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 10-0435, referencing attorney docket no. 6398-78031. A duplicate of this Response is enclosed.

Respectfully submitted,

A handwritten signature in cursive script that reads "Rebecca Ball".

Rebecca BALL
Reg. No. 46535
Attorney for Applicants

RLB//802379v1
Indianapolis, Indiana 46204
(317) 231-7511
Attachments: As Stated Above: Four (4)